

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

FREDERICK HENDERSON, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No. 06-3050-CV-GAF  
 )  
BILL HEDRICK, et al., )  
 )  
Defendants. )

**SEPARATE DEFENDANTS JAMES T. SCHAEFFER, M.D.**  
**AND ST. JOHN'S REGIONAL HEALTH CENTER'S**  
**MOTION FOR SUMMARY JUDGMENT**

COMES NOW separate defendants, James T. Schaeffer, M.D. ("Schaeffer") and St. John's Regional Health Center ("St. John's"), by and through their attorneys of record, Lathrop & Gage L.C., and pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby respectfully request that the Court grant summary judgment in their favor. In further support of their motion, defendants Schaeffer and St. John's have separately filed their suggestions in support which are incorporated herein by this reference.

For the following reasons, and as further discussed in their suggestions in support, summary judgment is now appropriate:

1. The acts or omissions that plaintiff has alleged do not rise to the level of deliberate indifference.
2. Plaintiff has failed to plead and/or establish necessary elements of his alleged cause of action for deprivation of constitutional rights.
3. There is no genuine issue of material fact.
4. Dr. Schaeffer is entitled to summary judgment as a matter of law.

5. St. John's is entitled to summary judgment as a matter of law.

WHEREFORE, for the foregoing reasons, as well as those in their suggestions in support, separate defendants, James T. Schaeffer, M.D. and St. John's Regional Health Center, respectfully request that the Court grant summary judgment in their favor, for their costs herein incurred and expended, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

LATHROP & GAGE L.C.

By /s/ Darynne L. O'Neal

Michael J. Cordonnier  
Missouri Bar No. 30158

Darynne L. O'Neal  
Missouri Bar No. 51808  
P. O. Box 4288  
Springfield, MO 65808  
(417) 886-2000 FAX: 886-9126  
Attorneys for Defendants  
James T. Schaeffer, M.D. and  
St. John's Regional Health Center

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a complete copy of *Separate Defendants James T. Schaeffer, M.D. and St. John's Regional Health Center's Motion for Summary Judgment* was served upon counsel and/or parties of record via Electronic Filing this 19th day of April, 2006 and by mailing a copy to plaintiff at the following address:

Frederick Henderson  
13219-014  
P. O. Box 1000  
Lewisburg, PA 17837

/s/ Darynne L. O'Neal

Darynne L. O'Neal